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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ARNOLD ALFRED, as Personal
Representative of the ESTATE OF
WASSILIE ALFRED,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. _____ CI

COMPLAINT FOR DAMAGES

For his complaint, Plaintiff, by and through counsel Power & Power Law, LLC, alleges
as follows:

Parties and Jurisdiction

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq.
Jurisdiction is based on 28 U.S.C. § 1346(a) (2) and 1346(b).
2. Plaintiff submitted a timely administrative claim based on the facts alleged herein to the
Department of Health & Human Services. More than six months has passed since the

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receipt of that claim, which has been neither admitted nor denied. The claim is deemed by Plaintiff to be denied, pursuant to 26 U.S.C. § 2675.

3. At the time of the conduct that forms the basis for the allegations in Plaintiff's Complaint, the Yukon Kuskokwim Health Corporation ("YKHC") was carrying out a compact agreement with the Indian Health Service, and is deemed to be part of the Indian Health Service in the Department of Health and Human Services of the United States of America pursuant to Public Law 101-512, Title III, section 314.
4. Further, at the time of the conduct that forms the basis for the allegations in Plaintiff's Complaint, YKHC owned and/or operated a Sobering Center in Bethel, Alaska. The facility was for inebriates to become sober in a warm and safe environment with access to treatment.
5. Arnold Alfred is the son of Wassillie Alfred (DOB: 06/23/1968, DOD: 04/21/2019) (hereinafter "Decedent") and is the personal representative of the Decedent's Estate.

Common Factual Allegations

6. Alcohol poisoning can be life-threatening and usually requires urgent medical treatment.
7. The Yukon Kuskokwim Health Corporation (YKHC) owns and/or operates the Bethel Sobering Center. It opened as a unit separate from the YKHC emergency department on or about January 28, 2013. The Sobering Center was intended provide a facility for inebriates to become sober in a warm and safe environment with access to medical treatment.

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8. On or about April 20, 2019, Wassillie Alfred consumed alcohol and became highly intoxicated. At approximately 8:30 P.M., he arrived at the Bethel Sobering Center. He was given a portable breathalyzer test which showed a result of .207.
9. Thereafter, Wassillie Alfred walked to the sleeping area in the Sobering Center and laid down on his stomach on one of the Sobering Center mats.
10. The Sobering Center requires that its staff members check the condition of each resident at regular intervals.
11. Throughout the night, Wassillie Alfred remained on the mat. During that time, no Sobering Center staff member checked on Wassillie Alfred's condition.
12. On April 21, 2019, at or about 8:15 A.M., a Sobering Center staff member found Wassillie Alfred dead, laying in a pool of blood.
13. By the time Wassillie Alfred's death was discovered, rigor mortis had set in.
14. A sample of Wassillie Alfred's blood was delivered to the State of Alaska Medical Examiner. There, his blood alcohol level was found to be .432 g/100mL.
15. Mr. Alfred's death certificate cites acute alcohol poisoning as the cause of death.

Claims for Relief:

Plaintiff is entitled to recover damages from defendant based on the theories of liability hereinafter enumerated in Counts I through VI, and under such other theories of liability as may be appropriate based upon the facts as alleged herein or as revealed during discovery.

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Count I: Survival of Claims
(AS 09.55.570)

16. Plaintiff incorporates by reference all prior allegations herein.
17. Defendant is liable to the Estate of Wassillie Alfred for Decedent's emotional distress, mental anguish, and pain and suffering preceding his death under the Alaska survival statute, AS 09.55.570, in an amount to be proven at trial.

Count II: Wrongful Death
(AS 09.55.580)

18. Plaintiff incorporates by reference all prior allegations herein.
19. As a result of the death of Wassillie Alfred, defendant is liable to his estate under the Alaska Wrongful Death Statute, AS 09.55.580, in an amount to be proven at trial.

Count III: Negligence

20. Plaintiff incorporates by reference all prior allegations herein.
21. The examination, care, and control of the treatment of Wassillie Alfred was performed by employees of the Bethel Sobering Center, through the Department of Health and Human Services, an agency of the United States of America. At all relevant times herein, said employees were acting within the scope of their employment.
22. In the aforesaid examination and control of the care and treatment of Wassillie Alfred, the defendant's employees negligently failed to assess and timely monitor Wassillie Alfred, and to seek medical assistance for Wassillie Alfred.
23. Defendant owed a duty to Sobering Center clients to exercise reasonable care for the protection of their lives and health.

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24. Defendant's breach of this duty includes its negligent failure to assess and monitor Wassillie Alfred, and to seek medical assistance for Wassillie Alfred.

25. As a proximate result of the negligence of the employees and agents of the defendant, Decedent suffered damages, both past and future, in an amount to be proven at trial.

Count IV: Negligent Hiring, Training and Supervision

35. Plaintiff incorporates by reference all prior allegations herein.

36. Defendant had a duty to act reasonably in the hiring, training, and supervision of its employees.

37. Defendant breached its duty by failing to exercise due care in the hiring, training, and supervision its employees.

38. As a result of Defendant's breach of duty to properly hire, train, and supervise its staff and other personnel, Decedent suffered damages, both past and future, in an amount to be proven at trial.

Count V: Vicarious Liability

26. Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

27. The Bethel Sobering Center's staff members were employed by Defendant Yukon Kuskokwim Health Corporation when the conduct that forms the basis of this complaint occurred.

28. The Bethel Sobering Center staff members' actions were within the scope of their employment with Defendant, and they were aided in accomplishing their acts by the positions they held with Defendant.

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29. Further, Bethel Sobering Center staff members' actions were based on their motivations to serve Defendant.
30. Defendant's vicarious liability stems from theories of respondeat superior, aided-in-agency and non-delegable duty.
31. Defendant is vicariously liable for Bethel Sobering Center staff members' intentional and negligent actions and is vicariously liable for all the harm alleged in an amount to be proven at trial.

Count VI: Loss of Parental Consortium

32. Plaintiff incorporates by reference all prior allegations herein.
33. On or about April 21, 2019, Wassillie Alfred died as a result of Defendant's negligence as set forth above.
34. As a result, Wassillie Alfred' daughter, J.H. (DOB: 02/17/2005), is unable to share activities and experiences with her father whom she previously shared or anticipated sharing as she reached a suitable age. Further, J.H. has sustained both past and future loss of consortium in the parent-child relationship, including loss of enjoyment, society, companionship, comfort, care, love, and affection in an amount to be proven at trial.

WHEREFORE Plaintiff demands judgment for compensatory damages in excess of \$100,000.00, the precise amount to be proven at trial, plus allowable costs, interest, and attorneys' fees.

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RESPECTFULLY SUBMITTED this 8th day of December 2021, at Anchorage, Alaska.

/s/ Whitney Power Wilson

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